

Supervisory Order Mandating the Restructuring of The Department for Urbanism, Real Estate Affairs and Economic Development

In accordance with the powers vested in me in Paragraphs 8, 10,13, 36, 37 of the Brcko Final Award of March 5, 1999, passed by the Arbitral Tribunal for Dispute over Inter-Entity Boundary in the Brcko area;

Recalling the ongoing process of public administration reform, both in Bosnia and Herzegovina as a whole and in Brcko District in particular, and the mandate to establish an effective and functioning executive branch of government contained in paragraph 3 of the August 18, 1999 Annex to the Final Award;

Noting that the Department for Urbanism, Real Estate Affairs and Economic Development within the District Government, as currently constituted, is structured in a way that is not conducive to efficient operation, in that too many competences are placed under a single management, and the Department has for several years not been able to provide the services it is responsible for providing and that this is slowing economic development;

Further noting that the Department for Healthcare Services currently has a Division for Sports and Culture, although there is no natural connection between provision of healthcare and government activities related to sports and culture;

Believing that it is therefore in the best interests of the District and of efficient administration of District

government that the Department for Urbanism, Real Estate Affairs and Economic Development be restructured, by dividing it into two separate departments, a Department for Spatial Planning and Property Affairs, and a Department for Economic Development, Sports and Culture, which will also assume the responsibilities currently undertaken by the Division for Sports and Culture in the Department of Healthcare Services;

Noting that these two Departments will have to work closely together so that urban planning and regulation can balance its responsibilities to provide a safe, functional and environmentally sensitive urban environment with the need to facilitate legitimate business initiatives that create employment and improve the quality of life of citizens;

Having consulted with the Mayor of Brcko District and other responsible officials, and taking note of the recommendations of professional consulting firms retained to advise the Brcko District Government on restructuring,

I hereby order that:

1. *The Department for Urbanism, Real Estate Affairs and Economic Development within the Government of Brcko District shall cease to exist on September 1, 2006. The Division for Sports and Culture within the Department of Healthcare Services shall cease to exist on September 1, 2006.*

2. *The aforementioned department and division shall be replaced by two new departments, both of which shall come into existence on September 1, 2006: the Department for Spatial Planning and Property Affairs, and the Department for Economic Development, Sports and Culture.*

3. *The Department for Spatial Planning and Property Affairs shall have two divisions: the Division for Spatial Planning, Urban Development and Environmental Protection, and the Division for Property Affairs.*

4. The responsibilities of the Division for Spatial Planning, Urban Development and Environmental Protection shall include spatial planning, urban development plans, regulatory plans, urban development approvals, environmental protection, and ecological licenses, and may also include such other matters as the Mayor presents to the District Assembly as amendments to the Law on Executive Authority of Brcko District pursuant to paragraph 12(a) below, and the Assembly chooses to enact in accordance with its usual procedures for enacting legislation.

5. The responsibilities of the Division for Property Affairs shall include property issues, legalization of illegal structures, management of public property, and protection of cultural and historical objects, and may also include such other matters as the Mayor presents to the District Assembly as amendments to the Law on Executive Authority of Brcko District pursuant to paragraph 12(a) below, and the Assembly chooses to enact in accordance with its usual procedures for enacting legislation.

6. The Department for Economic Development, Sports and Culture shall have two divisions: the Division for Economic Development, and the Division for Tourism, Culture and Sports.

7. The responsibilities of the Division for Economic Development shall include statistics and analysis, strategic planning and regional cooperation, privatization of enterprises, business initiatives and services, marketing and public relations, and investment promotion measures, and may also include such other matters as the Mayor presents to the District Assembly as amendments to the Law on Executive Authority of Brcko District pursuant to paragraph 12(a) below, and the Assembly chooses to enact in accordance with its usual procedures for enacting legislation.

8. The responsibilities of the Division for Tourism,

Culture and Sports shall include theater, galleries, cultural associations and events, the library, sports, and tourism, and may also include such other matters as the Mayor presents to the District Assembly as amendments to the Law on Executive Authority of Brcko District pursuant to paragraph 12(a) below, and the Assembly chooses to enact in accordance with its usual procedures for enacting legislation.

9. Not later than August 25, 2006, the Mayor shall issue a decision appointing the heads of the two new departments created by this Order. The right of Assembly veto of appointment of departmental heads, contained in Article 48(1) of the Statute of Brcko District, shall apply to these appointments. The decision of the Mayor referred to in this paragraph 9 shall become effective immediately after the expiry of the period of ten (10) working days referred to in Article 6(3) of the Law on Members of the Government of Brcko District.

10. Not later than September 25, 2006, the Mayor shall, after consultation with the heads of department referred to in paragraph 9 above, issue a decision, previously approved by the Supervisor, setting out the staff positions in each new department created by this Order, and providing for the future status of staff previously employed by the Department for Urbanism, Real Estate Affairs and Economic Development, and the Division for Sports and Culture within the Department of Healthcare Services. That decision shall provide, for each staff member previously employed within the Department of Urbanism, Real Estate Affairs and Economic Development or the Division for Sports and Culture within the Department of Healthcare Services, that either:

(a) he or she continues employment with the District government, in a vacant position in any department for which he or she is suitably qualified; or

(b) his or her employment with the District government is

terminated because the position held has become redundant and the employee has not qualified for any other position in the administration.

11. For any positions in the new departments created by this Order that are not filled by the processes described in paragraphs 9 and 10 above, the Mayor shall, not later than September 25, 2006, open vacancy notices to fill those positions in accordance with the prevailing law and regulations applicable to recruitment of civil servants, provided that the provisions of the Supervisory Orders of March 23, 2006 and May 5, 2006 are complied with in full.

12. The Mayor is responsible for executing all further acts necessary for establishing and operating the two new departments created by this Order on or before September 25, 2006. Those further acts include, without limitation, (a) submitting to the District Assembly all amendments to laws and by-laws of Brcko District necessary in consequence of the restructuring which this Order mandates so that the relevant laws can be harmonized with this Supervisory Order; (b) making all necessary amendments to the District Government's organizational plan(s); and (c) proposing to the Supervisor any necessary amendments to the budget. The proposed budgetary amendments, once approved by the Supervisor, will become legally effective without any further actions or approvals by any other institution of Brcko District.

13. This Supervisory Order has immediate effect, and shall be published without delay in the Official Gazette of the Brcko District. The Government and Assembly of the Brcko District shall undertake all necessary measures to ensure its implementation.

Susan R. Johnson

Supervisor of Brcko

Deputy High Representative